

SENATE BILL No. 283

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1.

Synopsis: Battery on household member or pregnant woman. Increases the penalty for battery to a Class D felony for an offense against a family or household member if: (1) the offense occurred while in the physical presence of a child less than 16 years of age; and (2) the person knew the child was present. Increases the penalty for battery to a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

Effective: July 1, 2007.

Lubbers

January 16, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 283

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-2-1, AS AMENDED BY P.L.2-2005,
2 SECTION 125, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person who knowingly or
4 intentionally touches another person in a rude, insolent, or angry
5 manner commits battery, a Class B misdemeanor. However, the offense
6 is:

7 (1) a Class A misdemeanor if:

8 (A) it results in bodily injury to any other person;

9 (B) it is committed against a law enforcement officer or
10 against a person summoned and directed by the officer while
11 the officer is engaged in the execution of his official duty;

12 (C) it is committed against an employee of a penal facility or
13 a juvenile detention facility (as defined in IC 31-9-2-71) while
14 the employee is engaged in the execution of the employee's
15 official duty;

16 (D) it is committed against a firefighter (as defined in
17 IC 9-18-34-1) while the firefighter is engaged in the execution

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- 1 of the firefighter's official duty; or
 2 (E) it is committed against a community policing volunteer:
 3 (i) while the volunteer is performing the duties described in
 4 IC 35-41-1-4.7; or
 5 (ii) because the person is a community policing volunteer;
 6 (2) a Class D felony if it results in bodily injury to:
 7 (A) a law enforcement officer or a person summoned and
 8 directed by a law enforcement officer while the officer is
 9 engaged in the execution of his official duty;
 10 (B) a person less than fourteen (14) years of age and is
 11 committed by a person at least eighteen (18) years of age;
 12 (C) a person of any age who is mentally or physically disabled
 13 and is committed by a person having the care of the mentally
 14 or physically disabled person, whether the care is assumed
 15 voluntarily or because of a legal obligation;
 16 (D) the other person and the person who commits the battery
 17 was previously convicted of a battery in which the victim was
 18 the other person;
 19 (E) an endangered adult (as defined in IC 12-10-3-2);
 20 (F) an employee of the department of correction while the
 21 employee is engaged in the execution of the employee's
 22 official duty;
 23 (G) an employee of a school corporation while the employee
 24 is engaged in the execution of the employee's official duty;
 25 (H) a correctional professional while the correctional
 26 professional is engaged in the execution of the correctional
 27 professional's official duty;
 28 (I) a person who is a health care provider (as defined in
 29 IC 16-18-2-163) while the health care provider is engaged in
 30 the execution of the health care provider's official duty;
 31 (J) an employee of a penal facility or a juvenile detention
 32 facility (as defined in IC 31-9-2-71) while the employee is
 33 engaged in the execution of the employee's official duty;
 34 (K) a firefighter (as defined in IC 9-18-34-1) while the
 35 firefighter is engaged in the execution of the firefighter's
 36 official duty; or
 37 (L) a community policing volunteer:
 38 (i) while the volunteer is performing the duties described in
 39 IC 35-41-1-4.7; or
 40 (ii) because the person is a community policing volunteer;
 41 **(M) a family or household member (as defined in**
 42 **IC 35-41-1-10.6) if:**

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- 1 **(i) the offense occurred while in the physical presence of**
 2 **a child less than sixteen (16) years of age; and**
 3 **(ii) the person knew the child was present.**

4 (3) a Class C felony if it results in serious bodily injury to any
 5 other person or if it is committed by means of a deadly weapon;

6 (4) a Class B felony if it results in serious bodily injury to a
 7 person less than fourteen (14) years of age and is committed by a
 8 person at least eighteen (18) years of age;

9 (5) a Class A felony if it results in the death of a person less than
 10 fourteen (14) years of age and is committed by a person at least
 11 eighteen (18) years of age;

12 (6) a Class C felony if it results in serious bodily injury to an
 13 endangered adult (as defined in IC 12-10-3-2); ~~and~~

14 (7) a Class B felony if it results in the death of an endangered
 15 adult (as defined in IC 12-10-3-2); **and**

16 **(8) a Class C felony if it results in bodily injury to a pregnant**
 17 **woman and the person knew the woman was pregnant.**

18 (b) For purposes of this section:

19 (1) "law enforcement officer" includes an alcoholic beverage
 20 enforcement officer; and

21 (2) "correctional professional" means a:

22 (A) probation officer;

23 (B) parole officer;

24 (C) community corrections worker; or

25 (D) home detention officer.

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